

SUMMARY REPORT OF INVESTIGATION**I. EXECUTIVE SUMMARY**

Date of Incident:	April 26, 2018
Time of Incident:	11:49 p.m.
Location of Incident:	737 W. Aldine Ave.
Date of COPA Notification:	May 14, 2018
Time of COPA Notification:	5:22 p.m.

On April 26, 2018, Complainant, [REDACTED] was arrested on an investigative alert for criminal damage to property, which is alleged to have occurred on March 26, 2018. The victim of the alleged criminal damage to property is Chicago Police Officer [REDACTED]. Officer [REDACTED] reported that on March 26, 2018, Mr. [REDACTED] damaged his personal vehicle by pouring an unknown substance on it and scratching the passenger side of the vehicle several times with an unknown object. Mr. [REDACTED] alleges a long history of conflict between himself and Officer [REDACTED] who are neighbors. Mr. [REDACTED] further alleges that Officer [REDACTED] fabricated the claim of criminal damage to property and filed a false police report against him in retaliation for a prior complaint Mr. [REDACTED] made against Officer [REDACTED] (COPA Log#1088991).

COPA's investigation revealed found that the allegations against Officer [REDACTED] are Unfounded.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] Star # [REDACTED] Employee ID# [REDACTED] Date of Appointment: [REDACTED] 2005 Rank: Police Officer Unit of Assignment: [REDACTED] District DOB: [REDACTED] 1973 Gender: Male Race: Black
Subject #1:	[REDACTED] DOB: [REDACTED] 1970 Gender: Male Race: White

III. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED] Star # [REDACTED]	<p>1. Made a false police report which resulted in [REDACTED] arrest.</p> <p>2. Retaliated against [REDACTED] for [REDACTED] allegations to COPA relative to LOG # 1088991.</p>	<p>1. Unfounded</p> <p>2. Unfounded</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Prohibits any violation of any law or ordinance.
2. Rule 14: Prohibits making a false report, written or oral.

Municipal Laws

1. Chicago Municipal Ordinance 2-18-160 (a): *Retaliation*. No person shall retaliate against, punish, intimidate, discourage, threaten or penalize any other person for reporting misconduct, making a misconduct complaint, conducting an investigation, complaining to officials, providing information, testimony or other documents in an investigation, or cooperating with or assisting the Office in the performance of its powers and duties as set forth in this Chapter.¹

V. INVESTIGATION²

a. Interviews

COPA interviewed [REDACTED] on May 22, 2018, at the Civilian Office of Police Accountability located at 1615 West Chicago Ave, Chicago, Illinois, 60622.³ Mr. [REDACTED] stated that on April 26, 2018, at approximately 11:49 p.m., he was driving home from the store and made a left turn from Halstead Street to Aldine. He stated he was almost to his house when he saw police lights. Mr. [REDACTED] pulled over and an officer exited his vehicle and approached Mr. [REDACTED] vehicle. Mr. [REDACTED] assumed the officer was a tactical officer because he was not in uniform. The officer asked Mr. [REDACTED] for his identification and after checking the driver's license, told him he was under arrest. Mr. [REDACTED] stated the officer initially told him that he was under arrest for violating a restraining order. Mr. [REDACTED] stated he informed the officer that was impossible because he was not served. Mr. [REDACTED] stated the officer informed him he was being

¹ The Office to which the ordinance refers is the Civilian Office of Police Accountability.

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Attachment 6.

arrested for anti-theft laws and criminal damage to property. Mr. [REDACTED] stated he did not know what the officer was talking about. He explained the officers parked his car for him in his disabled parking spot and took him to the police station on Addison.

Mr. [REDACTED] stated while at the police station, he made several calls about his service dog at home. Mr. [REDACTED] stated that after a while he was transferred to the police station at Belmont and Western, where the officers were not providing him with any information. He stated the officers only informed him that he was being charged with a violation of the anti-theft law and criminal damage to property. Mr. [REDACTED] stated he asked the officers if he could take his medication, and they drove him to Thorek Hospital at approximately 2:00 p.m. to take his medication. Mr. [REDACTED] stated the officers informed him they would not allow him to post bond in the morning, saying they could keep him for 48 hours, which they intended to do. The officers told Mr. [REDACTED] they wanted him to speak to the lead Detective, but Mr. [REDACTED] told them it was a waste of time because he would not talk to the Detective without a lawyer. Mr. [REDACTED] stated that at one point, he did speak to the Detective but only to inform the Detective he did not want to speak to the police without his attorney.

Mr. [REDACTED] stated he was informed by a police officer that both his brother and his ex-girlfriend said he was a threat to himself, and the officer would be taking him to Illinois Masonic Hospital to be committed. Mr. [REDACTED] stated he told the officer he wasn't a threat to himself but agreed to go to the hospital after being told his alternative was to go back to his cell. Mr. [REDACTED] stated he was taken to Illinois Masonic between 9:00 p.m.-10:00 p.m. and told the doctor and nurses that he was not a threat to himself. After a few hours, they released him, and his brother picked him up. Mr. [REDACTED] brother informed him that the Detective said Mr. [REDACTED] attacked someone's vehicle. Mr. [REDACTED] stated he had no idea what he was talking about and that he has never attacked a vehicle in his life.

Mr. [REDACTED] stated he asked where and when the alleged incident occurred and was told it was to have occurred April 13, 2018 and that the complainant was [REDACTED]. Mr. [REDACTED] stated he has been told two dates as to when the damage occurred and stated he never attacked any vehicles. Mr. [REDACTED] stated he lives at [REDACTED] and Officer [REDACTED] lives at [REDACTED]. Mr. [REDACTED] estimated that Officer [REDACTED] is 8-9 buildings east of him on the same block. He stated he is not sure if the woman Officer [REDACTED] is living with is his wife or girlfriend, but the woman's father and mother live 3 buildings east of him on the same block. Mr. [REDACTED] also added the woman's sister also resides on the block.

Upon questioning, Mr. [REDACTED] stated he never threw coffee on Officer [REDACTED] vehicle. He stated he rarely drinks coffee and he is very sick and in a lot of pain, so he does not know how he was to have gotten to the 3300 block of Ashland but he has never poured any coffee on him or anyone else.

Mr. [REDACTED] believes Officer [REDACTED] filed the criminal damage to property charges against him in retaliation for him coming to COPA. Upon questioning as to how Officer [REDACTED] would be aware that Mr. [REDACTED] has filed a complaint against him, Mr. [REDACTED] stated he assumes Officer [REDACTED] was informed of the charges. He added, he did nothing to him for Officer [REDACTED] to have him falsely arrested. Mr. [REDACTED] wondered why [REDACTED] pulled

him over April 3, 2018, but did not have him arrested for the criminal damage to property that was to have occurred March 26, 2018. Mr. [REDACTED] stated this was the second time Officer [REDACTED] and his family has had him arrested in the last four years. Mr. [REDACTED] stated he did not want to leave the COPA offices and get arrested again. Mr. [REDACTED] stated he does not want anything to do with Officer [REDACTED]. Mr. [REDACTED] stated he has had no face to face interaction with Officer [REDACTED] or his wife's family since his last visit to COPA.

COPA interviewed Officer [REDACTED] on July 13, 2018 at the Civilian Office of Police Accountability located at 1615 West Chicago Ave, Chicago, Illinois, 60622.⁴ Officer [REDACTED] stated he was on duty, not in uniform, and on routine patrol the evening of April 26, 2018. He was working with a partner that evening, Officer [REDACTED]. Officer [REDACTED] explained he was the driver officer of an unmarked Ford Interceptor the night of April 26, 2018.

Officer [REDACTED] stated he and Officer [REDACTED] made an arrest at 737 W. Aldine that night. He stated he and his partner were conducting a surveillance on the 3300 block of Halstead near the intersection of Halstead and Aldine when they observed a vehicle matching the description of an investigative alert provided to them by Detective [REDACTED]. He stated he and Officer [REDACTED] were informed of the alert from Detective [REDACTED] who often provides them with investigative alerts. Officer [REDACTED] stated they conducted surveillance for at most an hour or two before they saw Mr. [REDACTED].

Officer [REDACTED] stated he conducted a traffic stop and engaged with the driver. Upon curbing the vehicle, Officer [REDACTED] approached the driver and informed him his car matched a subject wanted on an investigative alert. Officer [REDACTED] asked for the driver's license and verified his name was [REDACTED] at which time he asked Mr. [REDACTED] to exit the vehicle and placed him in handcuffs. Officer [REDACTED] stated that the dispatcher initially told him that Mr. [REDACTED] was clear on his name check. He therefore requested the dispatcher to verify whether there was an active investigative alert. After verifying the existence of the investigative alert, Mr. [REDACTED] was placed under arrest. Officer [REDACTED] stated they explained to Mr. [REDACTED] what was going on, and that he had an investigative alert for criminal damage to property. Officer [REDACTED] stated that Officer [REDACTED] informed Mr. [REDACTED] they would show it to him when they got to the station. Officer [REDACTED] stated Officer [REDACTED] put the top up on Mr. [REDACTED] vehicle and parked the car for him.

Mr. [REDACTED] was then transported to 850 W. Addison by another unit. Officer [REDACTED] stated he and his partner generated paperwork for Mr. [REDACTED] arrest and stated Mr. [REDACTED] was then transported to Belmont and a hold was placed on him for the Detective to speak to him. Officer [REDACTED] explained there was a shift difference between themselves and the Detective and they wanted to allow the Detective the opportunity to speak with him.

Officer [REDACTED] stated that he and his partner work on a robbery team in the district and though the investigative alert was not for a robbery, they assisted Detective [REDACTED]. Officer [REDACTED] was unable to recall when Detective [REDACTED] asked for assistance but stated that the request could not have been more than a few days prior to April 26, 2018. When asked how Detective [REDACTED] request was made, Officer [REDACTED] stated the Detective might have called

⁴ Attachment # 20.

him. Officer [REDACTED] related Detective [REDACTED] asked if they would be interested in taking care of an investigative alert with probable cause for arrest for a criminal damage to property case in the District. Officer [REDACTED] stated that at the time he spoke with Detective [REDACTED] he did not inform him that the investigative alert was involving a case of a fellow officer or specifically Officer [REDACTED]. Officer [REDACTED] stated he knows Officer [REDACTED] but he would not consider Officer [REDACTED] a friend. He was not aware of any prior history between Officer [REDACTED] and Officer [REDACTED]. Officer [REDACTED] stated he did not have any discussions with Officer [REDACTED] about [REDACTED].

Officer [REDACTED] stated that after Mr. [REDACTED] arrest, he pulled the paperwork on the case and discovered that Officer [REDACTED] was the victim. Officer [REDACTED] does not believe that any different actions were taken on this criminal damage to property case. Officer [REDACTED] did not know if Detective [REDACTED] had a social relationship with Officer [REDACTED]. When asked if it was normal for an investigative alert to issue on a misdemeanor case, Officer [REDACTED] stated it was normal and then added, he believes it depends on the reason the investigative alert was issued and whether there is a named offender. Officer [REDACTED] stated it would not be uncommon for a misdemeanor, especially if the offender was identified by a photo line-up.

COPA interviewed Officer [REDACTED] on July 13, 2018, at the Civilian Office of Police Accountability located at 1615 West Chicago Ave, Chicago, Illinois, 60622.⁵ Officer [REDACTED] stated he was working on April 26, 2018. Officer [REDACTED] related essentially the same account of the arrest of Mr. [REDACTED] as Officer [REDACTED].

Officer [REDACTED] related he is not social with Detective [REDACTED] outside of work. Officer [REDACTED] stated he did not speak with Detective [REDACTED] regarding the investigative alert himself. Officer [REDACTED] stated that prior to conducting the stop, he and his partner did not know that Officer [REDACTED] was the victim of the criminal damage to property case. [REDACTED] stated he knows Officer [REDACTED] but would not consider him a social friend, though he and [REDACTED] have a good working relationship. Officer [REDACTED] stated he has worked with Officer [REDACTED] on occasion as partners when he would fill in on a car, though it did not occur regularly. Officer [REDACTED] estimated they have worked together approximately 4 to 5 times in three years. Officer [REDACTED] explained they learned Officer [REDACTED] was the victim, once they returned to the District and printed up the paperwork to transfer with Mr. [REDACTED]. Officer [REDACTED] stated prior to the arrest, he was not aware that Officer [REDACTED] and Mr. [REDACTED] were neighbors and did not know Officer [REDACTED] lived on the same block on West Aldine as Mr. [REDACTED].

Officer [REDACTED] stated he did not have any conversations with Officer [REDACTED] regarding Officer [REDACTED] prior interactions with Mr. [REDACTED] either before or after Mr. [REDACTED] arrest. Officer [REDACTED] stated a couple of weeks after the arrest, they informed Officer [REDACTED] they arrested an individual on the criminal damage to property investigative alert, but they did not discuss the criminal damage to property case itself. Officer [REDACTED] was appreciative and said thank you. Officer [REDACTED] stated he did not know if Officer [REDACTED] has a social relationship with Detective [REDACTED].

⁵ Attachment # 25.

Officer [REDACTED] stated he does not believe it is unusual for an investigative alert to issue for a misdemeanor criminal damage to property case. Officer [REDACTED] could not recall if he ever previously had worked on an investigative alert for a misdemeanor case before. However, he can say that it is not unusual for an investigative alert to issue, especially when there is a named offender in the case report, regardless of whether it is misdemeanor or felony case.

COPA interviewed [REDACTED] on August 10, 2018, at the Civilian Office of Police Accountability located at 1615 West Chicago Ave, Chicago, Illinois, 60622.⁶ Mr. [REDACTED] appeared on his own and was interviewed in English.⁷ Mr. [REDACTED] stated he was in the window of his house located at [REDACTED] on March 26, 2018, at approximately 7:40 a.m. Mr. [REDACTED] explained he and his wife run a daycare in their home, and at that time, he was looking out the first-floor window waiting for the children to arrive.

As he looked out of the window, he observed Officer [REDACTED] car, which is a black, four-door Mercedes, to his left side, two houses down from his. Mr. [REDACTED] stated he had a good, unobstructed view of the car. Mr. [REDACTED] explained that the weather was clear and there was light at that hour. Mr. [REDACTED] explained that his son-in-law is Officer [REDACTED] married to his daughter [REDACTED] (also known as [REDACTED] and hereafter referred to as [REDACTED]). Mr. [REDACTED] stated Officer [REDACTED] and [REDACTED] live at [REDACTED] and Mr. [REDACTED] lives two houses down. Mr. [REDACTED] stated he saw Mr. [REDACTED] get a cup of coffee and throw it on the car. Mr. [REDACTED] then stated he saw Mr. [REDACTED] take something out of his pocket and scratch the car. Mr. [REDACTED] stated he observed Mr. [REDACTED] scratching the passenger side of the vehicle.

Mr. [REDACTED] stated he knows Mr. [REDACTED] because he sees him walking his dog every morning. Mr. [REDACTED] stated on this particular morning Mr. [REDACTED] was walking by himself, without his dog. Mr. [REDACTED] stated he tried to call his son, but he was sleeping because he works all night. Mr. [REDACTED] stated that when his daughter woke up she told him about the damage to the car, and he told her, "I know who did this." Mr. [REDACTED] clarified he told his daughter that he observed who did this the same morning.

Mr. [REDACTED] stated that after he made these observations of Mr. [REDACTED] he did not call the police, nor did he go out and look at the car because he was working at the day care at his house at the time. Mr. [REDACTED] stated he told his daughter about his observations less than 30 minutes after he made them. Mr. [REDACTED] was not able to discern what the object was which Mr. [REDACTED] took out of his pocket. He described the as small enough to fit in Mr. [REDACTED] hand, maybe 2 to 3 inches long. Mr. [REDACTED] stated Mr. [REDACTED] walked around the Mercedes and then, went to his home which was about 10 feet away. Mr. [REDACTED] stated he told [REDACTED] what he saw. Mr. [REDACTED] stated he believed the substance Mr. [REDACTED] threw was coffee because he believes it was in a Starbucks cup.

Mr. [REDACTED] stated he spoke with Detective [REDACTED] whom he had never met before. Mr. [REDACTED] stated Detective [REDACTED] came to his house and looked out the window to see Mr. [REDACTED] view. Mr. [REDACTED] recalled that Detective [REDACTED] had him look at pictures

⁶ Attachment 31.

⁷ Mr. [REDACTED] is a native Spanish speaker, however, after speaking with him and reviewing a previous audio interview conducted by IPRA, it was determined that his interview with COPA could be conducted in English.

of people to identify the man.⁸ He stated he was able to pick out Mr. [REDACTED] in a second as the one who threw the coffee and scratched the car.

Mr. [REDACTED] stated he fears [REDACTED]. Mr. [REDACTED] stated that when Mr. [REDACTED] passes by in a car, Mr. [REDACTED] raises his hands up and makes a fist. Mr. [REDACTED] stated he is basing his fears on his and his family's interactions with Mr. [REDACTED] over the years. Mr. [REDACTED] stated he has known Mr. [REDACTED] for approximately 6 or 7 years. Mr. [REDACTED] described a history of negative interactions between other individuals and Mr. [REDACTED] including Mr. [REDACTED] daughter. Mr. [REDACTED] explained that his previous interactions with Mr. [REDACTED] did not change what he saw. He stated he just came into COPA to explain what he saw and not because Officer [REDACTED] is his family. Mr. [REDACTED] stated that Mr. [REDACTED] is rough, explaining one day Mr. [REDACTED] punched a lady in her face. He adds, Mr. [REDACTED] is crazy, and everyone is scared of him in the neighborhood.

COPA interviewed Detective [REDACTED] August 27, 2018, at the Civilian Office of Police Accountability located at 1615 West Chicago Ave, Chicago, Illinois, 60622.⁹ Detective [REDACTED] confirmed he issued the investigative alert which resulted in Mr. [REDACTED] arrest on the evening of April 26, 2018. Upon questioning, Detective [REDACTED] stated an investigative alert is what Detectives issue setting forth the probable cause for arresting a subject. In this case, Detective [REDACTED] explained a Sergeant had approved the investigative alert, as is done with all investigative alerts.¹⁰ Detective [REDACTED] was unable to recall when he issued the investigative alert for Mr. [REDACTED]

Detective [REDACTED] explained that the substance of the investigative alert for Mr. [REDACTED] was for an offense of criminal damage to vehicle and for tampering with the vehicle. Detective [REDACTED] described the investigatory steps he took prior to issuing the investigative alert included interviews with the victim (Officer [REDACTED] and witnesses, including [REDACTED]). Detective [REDACTED] stated he only knows Officer [REDACTED] from this current investigation. Detective [REDACTED] stated he learned Mr. [REDACTED] observed Mr. [REDACTED] throwing coffee on the victim's vehicle and saw Mr. [REDACTED] walk around the vehicle.¹¹ Detective [REDACTED] stated Mr. [REDACTED] did not say he saw Mr. [REDACTED] scratching the vehicle.

Detective [REDACTED] also stated he spoke with [REDACTED] who stated she was Mr. [REDACTED] ex-girlfriend. During his interview with Ms. [REDACTED] Detective [REDACTED] learned that Mr. [REDACTED] made statements about the victim while pointing at his vehicle. Mr. [REDACTED] related that Mr. [REDACTED] stated he was going to get the owner of the car. Additionally, Ms. [REDACTED] stated Mr. [REDACTED] stated he wanted Officer [REDACTED] head on a platter. Ms. [REDACTED] described Mr. [REDACTED] as anti-police.

Detective [REDACTED] explained he also interviewed [REDACTED]. She related that her father, [REDACTED] told her that he saw Mr. [REDACTED] throw something on the car and that he

⁸ Attachment #38.

⁹ Attachment #32.

¹⁰ Attachment #27.

¹¹ Attachment #39. COPA noted that the General Progress Report on Detective [REDACTED] interview with [REDACTED] regarding his observations of [REDACTED] documented the phrase, "looked like he was doing something."

observed him take something out of his pocket and scratch the car. Detective [REDACTED] confirmed that Mr. [REDACTED] and [REDACTED] informed him of the fact their family had previous interactions with Mr. [REDACTED]. Detective [REDACTED] learned the vehicle was scratched in multiple places and concluded that it was Mr. [REDACTED] who scratched the Mercedes.

Detective [REDACTED] believed he told Officer [REDACTED] there was an investigative alert for Mr. [REDACTED]. He explained that he often provides Officer [REDACTED] information regarding investigative alerts so they might assist. Detective [REDACTED] was unable to recall how soon after the issuance of investigative alert for Mr. [REDACTED] he had conversation with Officer [REDACTED]. Detective [REDACTED] stated he was made aware that [REDACTED] was arrested and explained he spoke with Mr. [REDACTED] at Area North Detective Division shortly after his arrest. Detective [REDACTED] stated that after being read his rights, Mr. [REDACTED] stated he wanted a lawyer and did not wish to speak to the Detective.

Detective [REDACTED] recalled speaking with Mr. [REDACTED] brother regarding taking Mr. [REDACTED] to the hospital to be admitted for a psychiatric evaluation. He learned from Mr. [REDACTED] brother that in the past Mr. [REDACTED] had made threats to commit suicide and to hurt himself. Based on that conversation, after Mr. [REDACTED] was processed for the misdemeanor, Detective [REDACTED] requested that the [REDACTED] District process him for a psychiatric evaluation. After Mr. [REDACTED] was arrested, Detective [REDACTED] informed Officer [REDACTED] that Mr. [REDACTED] was arrested and had him sign complaints. Detective [REDACTED] confirmed he sought a felony upgrade for the charges from the State's Attorney's Office and the fact that the felony charges were rejected, though he cannot recall the reason.

Detective [REDACTED] stated that in his experience, it was not unusual to issue an investigative alert for a misdemeanor case. Detective [REDACTED] did not believe this case was treated any different from any other misdemeanor criminal damage to property case he has worked on.

COPA interviewed Officer [REDACTED] on November 16, 2018, at the the Civilian Office of Police Accountability located at 1615 West Chicago Ave, Chicago, Illinois, 60622.¹² Officer [REDACTED] stated he was not working March 26, 2018 at 7:00 a.m. Officer [REDACTED] stated that on March 26, 2018, he walked out to the driver's side of his vehicle and observed a foreign liquid substance. He then observed some scratches on the passenger's side of his car. Officer [REDACTED] explained that his in-laws live at [REDACTED] and his vehicle was parked at 721 West Aldine that day. He explained his wife called her father immediately, and her father related that he observed Mr. [REDACTED] outside of the vehicle with something in his hand, though he was not certain what it was. Additionally, his wife's father stated he observed Mr. [REDACTED] throw a foreign substance onto his vehicle and then take something out of his pocket and walk around the perimeter of his vehicle. Officer [REDACTED] explained that his wife related this conversation to him. Officer [REDACTED] confirmed that the evening prior to March 26, 2018, the substance and the scratches were not on his car.

Officer [REDACTED] explained that later that evening he stopped at the District to get a report for criminal damage to vehicle, naming Mr. [REDACTED] as the offender. Officer [REDACTED] stated

¹² Attachment # 45.

that he later learned that Mr. [REDACTED] had been arrested for the criminal damage to his vehicle. Officer [REDACTED] stated that he was working the evening of Mr. [REDACTED] arrest and one of the units called over the air what address they were at, and he realized that there must have been an investigative alert.

Officer [REDACTED] stated he learned his case had been assigned to Detective [REDACTED] when he was contacted by him. Officer [REDACTED] explained they had a conversation about his case and Detective [REDACTED] wanted pictures of what was done to the car. Officer [REDACTED] stated he emailed him numerous pictures. Officer [REDACTED] stated that prior to the filing of his report, he did not know Detective [REDACTED]. Officer [REDACTED] stated he had no other conversations with him prior to Mr. [REDACTED] arrest, other than to reference where he lives and the damage to his vehicle. Officer [REDACTED] stated he took his car for repair at 900 W. Division.

Officer [REDACTED] stated that perhaps he had conversations with Officers [REDACTED] and [REDACTED] at a point prior to April 26, 2018. If the conversations occurred, the substance would have been relative to a mentally disturbed neighbor who damaged his vehicle. Officer [REDACTED] could not recall where the conversations took place, stating he may have referenced the fact that this neighbor may have damaged his vehicle. Officer [REDACTED] stated he did not discuss Mr. [REDACTED] impending arrest or the issuance of the investigative alert with the officers. Officer [REDACTED] stated he knows both officers but stated they were not social outside of work.

Officer [REDACTED] stated he was not consulted in any way regarding the assignment of his case to Detective O' [REDACTED]. Officer [REDACTED] affirmed he was not consulted in any way regarding the investigative steps. Officer [REDACTED] stated he did not direct the investigation and did not give direction to issue the investigative alert. Officer [REDACTED] stated he was told to steer clear of the criminal damage to property case to his vehicle but could not recall the name of the superior who directed him to steer clear. Officer [REDACTED] stated he did not try to influence the investigation or the course of the investigation of the criminal damage to property case. Officer [REDACTED] stated that to his knowledge, his case was not treated any differently than any other one.

Officer [REDACTED] denied making a false police report which resulted in [REDACTED] false arrest. Additionally, Officer [REDACTED] denied that the report was in retaliation for his allegation of misconduct relative to the traffic stop.

b. Digital Evidence

The OEMC Audio Transmission¹³ records a call into dispatch to inform them of a traffic stop at [REDACTED] and running a driver's license number. Dispatch informed the unit that the license comes back to [REDACTED]. The officers notified dispatch that there should be an investigative alert on him and dispatch confirms that there is an investigative alert.

Photos of [REDACTED] depict the interior and exterior of Mr. [REDACTED] apartment building located at [REDACTED] during canvass by COPA Investigators for video which would

¹³ Attachment #44.

¹⁴ Attachment #53.

depict Mr. [REDACTED] at home in his residence during the time of the Criminal Damage to Property Incident. It should be noted that no such video was obtained.

BWC video from Officer [REDACTED] depicts the officers' vehicle stationary on street. The police vehicle moved, and emergency lights were activated. A black Lexus convertible pulled over and Officer [REDACTED] approached the back side of Mr. [REDACTED] vehicle. Officer [REDACTED] approached the driver's side and asked Mr. [REDACTED] to exit the car and step to the back of the vehicle. Mr. [REDACTED] was placed into handcuffs by Officer [REDACTED]. Mr. [REDACTED] inquired about what was going on and was informed by Officer [REDACTED] that he was currently under arrest from an investigative alert with probable cause to arrest for criminal damage to somebody's vehicle. Mr. [REDACTED] was walked back to a CPD SUV. Mr. [REDACTED] told the officers he needs to call someone to take care of his dog at home. Officer [REDACTED] entered Mr. [REDACTED] vehicle to park it and close the convertible roof. He parked the vehicle, closed the roof and left the scene.

c. Documentary Evidence¹⁶

The **Arrest Report**¹⁷ lists the Offender as [REDACTED] A. [REDACTED] and the charges as Anti-Theft Laws and Criminal Damage to Property <\$300. The victim is listed as [REDACTED]. The report states that the officers were conducting surveillance at 3300 N. Halstead regarding the RD# [REDACTED]. The arresting officers were provided with information from Detective [REDACTED] regarding the vehicle which was owned and operated by Mr. [REDACTED] who had an investigative alert for probable cause to arrest. During their surveillance, officers observed the vehicle travelling on Aldine and a traffic stop was conducted. Beat [REDACTED] transported the offender to the [REDACTED] District for processing.

The **Original Case Incident Report**¹⁸ was authored by Officer [REDACTED] # [REDACTED] and Detective [REDACTED] is listed as the Detective/Investigator. The incident is categorized as Criminal Damage To Vehicle and the date and time of the occurrence is listed as March 26, 2018, at 7:40. [REDACTED] is listed as the victim. [REDACTED] is listed as the Witness. Suspect #1 is listed as [REDACTED]. Vehicle #1 is listed as a 2012 black Mercedes-Benz. The report notes that [REDACTED] and the Offender [REDACTED] are neighbors. The narrative portion of the report notes that this was a walk-in report to the [REDACTED] District desk. [REDACTED] related that his father-in-law [REDACTED] observed [REDACTED] throw an unknown substance onto [REDACTED] vehicle and observed Mr. [REDACTED] walk around to the front and passenger side of the vehicle and scratch the vehicle with an unknown object multiple times.

¹⁵ Attachment #26.

¹⁶ COPA also reviewed the Supplementary Report relative to [REDACTED] arrest, incorporated as Attachment #40, but did not summarize the same as it is of limited probative value.

¹⁷ Attachment #13.

¹⁸ Attachment #8.

This **Supplementary Reports** are dated March 28, 2018,¹⁹ March 29, 2018,²⁰ April 11, 2018²¹ and July 4, 2018.²² The reports list the offense as Criminal Damage / To Vehicle, the victim as [REDACTED] E. [REDACTED] and the Suspect as [REDACTED] [REDACTED]. The involved vehicle is listed as a 2012 Mercedes Benz. The damages are noted to be 2 scratches on the front passenger side roof and exterior. The Detective assigned is listed as [REDACTED] and the reporting officer is [REDACTED] [REDACTED] is listed as a witness.

The report from March 29, 2018, documents the photo lineup of Mr. [REDACTED]. It documents Detective [REDACTED] as the person conducting the photo lineup. The report documents the person positively identified by Mr. [REDACTED] as [REDACTED] (Position #5).

The report from April 11, 2018, documents Detective [REDACTED] interviews of the witnesses in this case. Officer [REDACTED] related essentially the same information he related during his COPA interview. Additionally, the report notes that Officer [REDACTED] provided Detective [REDACTED] photographs and an estimate from Gold Coast Auto Body for the repairs to his vehicle. The report notes that the estimated cost of repairs to be \$2719.60. Additionally, the report notes that Officer [REDACTED] informed the Detective of a report for telephone harassment filed by [REDACTED] against [REDACTED] in which [REDACTED] is quoted as having said he "wants to see the cops head on a platter" referring to the owner of Officer [REDACTED] vehicle.

Mr. [REDACTED] related essentially the same information he related during his COPA interview. He failed to mention during his interview with Detective [REDACTED] that he observed Mr. [REDACTED] remove an object from his pocket and scratch the car, though he does report that he observes [REDACTED] walking around the vehicle.

The report documents that Detective [REDACTED] interviewed [REDACTED] who related that she was [REDACTED] ex-girlfriend. The report documents previous threats that [REDACTED] has heard [REDACTED] make against the officer who drives the vehicle with the license plate [REDACTED],²³ including, "If I had thirty days to live I would take out his whole family," "I'm going to get him," and "I'd like to see that cop's head on a platter." The report notes that [REDACTED] is anti-police and may have mental illness.

Detective [REDACTED] interviewed [REDACTED] who related she is the daughter of Mr. [REDACTED] and the wife of Officer [REDACTED]. She stated that she spoke to her father March 26, 2018, and he related that he observed Mr. [REDACTED] throw liquid from a cup onto Officer [REDACTED] car, take something out of his pocket, and scratch the roof twice. The report also notes that [REDACTED] stated her father fears Mr. [REDACTED] due to previous complaints made against her father daycare home.

¹⁹ Attachments #9.

²⁰ Attachments #10.

²¹ Attachments #11.

²² Attachments #41.

²³ It should be noted that multiple reports document Officer [REDACTED] license plat as containing the letters [REDACTED].

The Report notes that an investigative alert was issued for [REDACTED] for an Offense Relating to a Motor Vehicle and Criminal Damage to Property and recommends that the case be suspended until the offender is located and arrested.

The July 4, 2018 report documents the steps taken by Detective [REDACTED] after Mr. [REDACTED] arrest. Detective [REDACTED] documents the fact that her did not interview Mr. [REDACTED] because Mr. [REDACTED] had requested an attorney. Additionally, Detective [REDACTED] contacted the victim who agreed to prosecute and signed complaints for the offenses of Offense Relating to Motor Vehicle and Criminal Damage to Property. The report additionally notes that the case was called into felony review and felony charges were denied.

The OEMC Event Query Report²⁴ notes that a traffic stop was conducted on April 26, 2018 at 23:44:30 at the location of [REDACTED] by unit [REDACTED]. The Query documents in the Remarks section relevant facts to the investigative alert, including the fact an active investigative alert had issued for [REDACTED] [REDACTED] DOB 1970-[REDACTED]. The Remarks also note that the offender was positively identified as the offender through a photo array as the offender who tampered with the victim's vehicle by throwing liquid substance on it and causing scratches.

The Inventory Sheets²⁵ enumerate the following items:

- # [REDACTED] - (7) photographs and (5) preliminary estimate report pages
- # [REDACTED] - (2) Attorney visitation forms
- # [REDACTED] - (1) Brown leather wallet and (1) Samsung cellphone
- # [REDACTED] - (1) White and metal watch with a blue face
- # [REDACTED] - (3) Photo lineup form set
- # [REDACTED] - (2) \$100 bills.

COPA's Subpoena to Thresholds²⁶ requested all video from March 26, 2018, from the time 5:00 a.m. to 9:00 a.m. from four cameras within and adjacent to the Threshold property [REDACTED] located at [REDACTED] Avenue, but COPA was notified that the requested video does not exist.²⁷

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or

²⁴ Attachment #12.

²⁵ Attachment #50.

²⁶ Attachment #51.

²⁷ See exchanged emails incorporated as Attachment #52.

4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

COPA finds **Allegation #1** that Officer [REDACTED] made a false police report which resulted in [REDACTED] arrest is **UNFOUNDED**. Chicago Police Department Rule 14 prohibits making a false report, whether written or oral. The evidence in this case established that there exists clear and convincing evidence that Officer [REDACTED] did not file a false report against [REDACTED] for the offense of criminal damage to property.

The facts established that Mr. [REDACTED] observed Mr. [REDACTED] near Officer [REDACTED] vehicle on the morning of March 26, 2018. While there, Mr. [REDACTED] observed Mr. [REDACTED] throw a liquid substance onto Officer [REDACTED] car and walk around Officer [REDACTED] vehicle. During his interview with COPA, Mr. [REDACTED] stated he also observed Mr. [REDACTED] take a small object out of his pocket and scratch the passenger side of Officer [REDACTED] car. Shortly thereafter, Officer [REDACTED] went to his vehicle, and observed the liquid which was thrown onto his vehicle, as well as scratches to the passenger side of his vehicle. During his interview with COPA, Officer [REDACTED] noted that he did not observe scratches on the vehicle the previous night. Additionally, [REDACTED] reported to Detective [REDACTED] that Mr. [REDACTED] gave her this same account of the observations he made of Mr. [REDACTED] that morning.

COPA noted that Mr. [REDACTED] account to Detective [REDACTED] as documented in the Detective's Case Supplementary Report does not include facts regarding making observations of Mr. [REDACTED] making the scratches. However, even assuming he did not observe Mr. [REDACTED] scratching the vehicle that morning, Mr. [REDACTED] did observe him throwing liquid onto Officer [REDACTED] vehicle and walking around it, providing Mr. [REDACTED] the opportunity to scratch the vehicle. Therefore, it can be said that Officer [REDACTED] had reason to believe and to report that Mr. [REDACTED] threw a liquid onto his car and scratched it with an object from his pocket.

Detective [REDACTED] conducted a thorough investigation, including interviewing multiple witnesses, requesting a photo array, as well as investigating the background of the

involved parties and witnesses. After doing so, Detective [REDACTED] determined that probable cause existed for the issuance of an investigative alert for Mr. [REDACTED] for the offense of criminal damage to Officer [REDACTED] vehicle.

As such, COPA finds Allegation #1 is UNFOUNDED.

COPA finds **Allegation #2** that Officer [REDACTED] retaliated against [REDACTED] for [REDACTED] allegations to COPA relative to LOG # 1088991 is **UNFOUNDED**. The Chicago Municipal Ordinance establishing COPA prohibits retaliation against another individuals for reporting misconduct:

“No person shall retaliate against, punish, intimidate, discourage, threaten or penalize any other person for reporting misconduct, making a misconduct complaint, conducting an investigation, complaining to officials, providing information, testimony or other documents in an investigation, or cooperating with or assisting the Office in the performance of its powers and duties as set forth in this Chapter.” Chicago Municipal Ordinance 2-18-160 (a): *Retaliation*.

The evidence in this case has established that there exists clear and convincing evidence that Officer [REDACTED] did not retaliate against [REDACTED] for him making a complaint under LOG #1088991.

Mr. [REDACTED] alleged that Officer [REDACTED] filed the police report against him in retaliation for Mr. [REDACTED] complaint to COPA against Officer [REDACTED] stemming from a traffic stop Officer [REDACTED] conducted on April 3, 2018. Mr. [REDACTED] filed a complaint with COPA on April 4, 2018. Because Officer [REDACTED] filed his criminal complaint against Mr. [REDACTED] for the criminal damage to vehicle on March 26, 2018, at 7:38 p.m., which predated the traffic stop and the date Mr. [REDACTED] logged a complaint with COPA under LOG# 1088991, it cannot be said Officer [REDACTED] filed the report in retaliation.

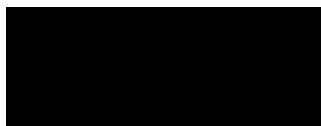
As such, COPA finds Allegation #2 is UNFOUNDED.

VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer [REDACTED] [REDACTED] # [REDACTED]	1. Made a false police report which resulted in [REDACTED] arrest. 2. Retaliated against [REDACTED] for [REDACTED] allegations to COPA relative to LOG # 1088991.	1. Unfounded 2. Unfounded

Approved:



June 27, 2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A**Assigned Investigative Staff**

Squad#	
Investigator	[REDACTED]
Supervising Investigator	[REDACTED]
Deputy Chief Administrator	Andrea Kersten